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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,380	06/27/2001	Karin Axelsson	1115.40308X00	2566
20457	7590	06/15/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			AKLILU, KIRUBEL	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,380

Applicant(s)

AXELSSON ET AL.

Examiner

Kirubel Akililu

Art Unit

2614

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent # 6,177,931) in view of Allport et al. (U.S. Patent # 6,104,334).

1. As for **Claim 1**, Alexander et al. teach an electronic program guide system (see Alexander et al. fig. 1 unit 10 Electronic Program Guide display) comprising:
 - receiving means for receiving at least one electronic program guide corresponding to a broadcast program (see Alexander et al. col. 3 lines 3-6 "Display 10 could be generated by a conventional television receiver with interlaced scan lines, by a VCR, by a PC monitor with progressive scan lines, or by another other type of video display device." The television receiver is interpreted to be receiving means for receiving the electronic program guide);
 - selecting means for selecting a desired program from said electronic program guide (see Alexander et al. fig. 2 unit 26 remote control unit col. 3 lines 21-35 "Remote

Art Unit: 2614

control 26 has up, down, right, and left arrows keys 28, 30, 32, and 34, respectively, for controlling the movement of a cursor 36 on display 10. Cursor 36 can select, i.e., highlight, any of windows 12, 14, or 16 by pressing arrow keys 28 to 34, any of the titles and channels in Grid Guide 22 by pressing arrow keys 32 and 34, or navigation bar 20 by pressing arrow keys 32 and 34.”);

notification means for creating a notification for the program selected from said electronic program guide (see Alexander et al. col. 14 line 47- col. 15 line 31 “The EPG formats on-screen notifications to the viewer and displays the notification to the viewer. On-screen notifications can be used to alert the viewer to any number of possible items of information. For instance, the EPG can notify the viewer that the EPG will begin recording a particular program within a certain amount of time, e.g., 2 minutes.” And col. 7 lines 58-62 “In the Record Selection Function, also referred to as the Recording Function, the viewer instructs the EPG what programs to add to the Record List, which is the list of programs and related programming schedule information, for programs that the viewer want to have recorded.” A notification is sent to a user for a program a user selected from the electronic program guide to be recorded.);

communication means for access to a communications network (see col. 13 lines 36-39 “In the preferred embodiment, the EPG interfaces with the Internet/World Wide Web. In the preferred embodiment, the viewer can access the Internet to send and receive e-mail.” The Internet is interpreted to be a communication means for access to a communication network);

Alexander et al. does not expressly teach transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communications network. However, in the same field of endeavor, Allport teaches a portable Internet-enabled controller configured to receive data from a remote location to control various consumer appliances such as television systems (see Allport col. 6 lines 25-30 "It is a further object to provide a remote control that allows a consumer to download data from the internet or other data source into the memory of the remote control for use in controlling the consumer devices using title-based direct access control." And Allport col. 25 lines 11-17 "One application would allow the consumer to load TV schedules appropriate to their area into the remote control 10, and then list and browse the schedules. One person could be browsing the schedule of programs available on alternative channels, without disturbing the view of others who are watching the primary screen such as the TV." The Internet-enabled remote control of Allport is interpreted to be a remote electronic guide system because it is able to download TV schedules.) In light of the teaching of Allport, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teaching of Alexander et al. to send the notification message to a remote electronic program guide system as taught by Allport. One of ordinary skill in the art at the time the invention was made would have been motivated to do this in order to prevent the notification message from displaying on the television screen which can disrupt the view of others who are watching a program on the television screen (see Allport col. 25 lines 14-17 "One person could be

Art Unit: 2614

browsing the schedule of programs available on alternative channels, without disturbing the view of others who are watching the primary screen such as the TV.”); and

reception means for receiving a notification from a remote electronic program guide system (The Internet-enabled remote electronic guide system as described above is interpreted to be a reception means for receiving a notification from the electronic program guide as though by Alexander et al).

2. As for **Claim 2**, Alexander et al. teach said communication means is a network modem (see Alexander et al. col. 8 lines 44-49 “the viewer's television is connected to the Internet by telephone line via modem, by cable modem, by other two-way communication device, including wireless modem communication devices and by other conventional methods of communicating with the Internet.”).

3. As for **Claim 3**, the modified Alexander et al. in view of Allport teaches said reception means further comprises authorization means for determining if a notification received originated within an authorized remote electronic program guide system. See Allport col. 21 lines 3-17 “This screen allows the sources, and/or individual programs from those sources to be made unavailable to specified users, as seen by the function of buttons 125 and 130 as displayed on the display 85. Thus, a parent could set a child's settings such that the child could not access the TV during certain time periods; or not access certain channels of the TV; or not access certain programs within a certain channel of the TV, etc. Programming of these limits are what has been referred to

Art Unit: 2614

herein as filters. The purpose of the filters is simply to limit or deny access to certain entertainment or control of other devices as seen fit by the user with the authority to do so. Thus, a parent could create filters that cause only a predetermined subset of the title-based descriptions in the memory of the remote control 10 to be displayed to a particular user." The filters are authorization means for determining if a notification (or any message received from a source) originated from an authorized source.

4. As for **Claim 4**, the modified Alexander et al. in view of Allport does not expressly teach said transmission means also are arranged to transmit an alert message indicating said notification to an server to be forwarded as an SMS to a mobile handset of a user of said at least one remote electronic program guide system. However, Alexander et al. teaches the EPG system is configured to use the internet to send and receive messages, such as e-mail (see col. 13 lines 36-39 "In the preferred embodiment, the EPG interfaces with the Internet/World Wide Web. In the preferred embodiment, the viewer can access the Internet to send and receive e-mail." Also, the portable electronic program display device as though by Allport is Internet-enabled. Therefore, it is interpreted that the notification messages are transmitted to the Internet-enabled mobile remote control device using the Internet. The notification message are also interpreted to me alert messages (or SMS, Short Message Service) to alert a user that a program is about to be recorded in for example, 2 minutes (Alexander et al. col. 14 lines 53-55 "For instance, the EPG can notify the viewer that the EPG will begin recording a particular program within a certain amount of time, e.g., 2 minutes"). When

Art Unit: 2614

an Internet service such as e-mail is used to send the messages, it is inherent the messages will be transmitted first to an e-mail server that will forward the message to the internet enabled mobile receiver).

5. As for **Claim 5**, the limitation of Claim 5 is analyzed and rejected as described above with reference to the rejection of Claim 4.

6. As for **Claim 6**, Alexander et al. teach said notification includes information indicating the program selected from said electronic program guide. See Alexander et al. col. 14 lines 47- 53 "The EPG formats on-screen notifications to the viewer and displays the notification to the viewer. On-screen notifications can be used to alert the viewer to any number of possible items of information. For instance, the EPG can notify the viewer that the EPG will begin recording a **particular program** within a certain amount of time, e.g., 2 minutes."

7. As for **Claim 7**, Alexander et al. teach said notification includes recording parameters for the program selected from said electronic program guide. See Col. 14 lines 54-57 "The record notification could further ask the viewer whether to switch the cable box to record the program." Switching the cable box to record the program is interpreted to be a recording parameter.

Art Unit: 2614

8. As for **Claim 8**, the modified Alexander et al. in view of Allport teaches said authorization means further are arranged to authorize recording of the program selected from said electronic program guide if a notification received originated within an authorized remote electronic program guide system. See Allport col. 21 lines 11-13 “The purpose of the filters is simply to limit or deny access to certain entertainment or control of other devices as seen fit by the user with the authority to do so.” It is interpreted that when the filters grant access to a user to control devices, the user is able to authorize the recording of the program selected.

9. As for **Claim 9**, Alexander et al. teach said notification includes information indicating the program selected from said electronic program guide and recording parameters for the program selected from said electronic program guide. See Alexander et al. col. 14 lines 49-55 “On-screen notifications can be used to alert the viewer to any number of possible items of information. For instance, the EPG can notify the viewer that the EPG will begin recording a particular program within a certain amount of time, e.g., 2 minutes. The record notification could further ask the viewer whether to switch the cable box to record the program.”

10. As for **Claim 10**, the modified Alexander et al. in view of Allport teaches means for generating recording instructions to a recording device associated with said electronic program guide system based on said notification. See Allport col. 25 lines 20-24 “The schedules may be provided by subscription, or by an arrangement between the vendor

Art Unit: 2614

of the remote control 10 and third parties supplying the information. A similar technique is used to select a program to be recorded on a VCR." The Internet-enabled remote control device of Allport is interpreted to be means for generating recording instructions to a recording device based on said notification.

11. As for **Claim 11**, Alexander et al. teach user input means for obtaining user acceptance of said notification before generating the recording instructions. See Alexander et al. col. 14 lines 54-58 "The record notification could further ask the viewer whether to switch the cable box to record the program. If the viewer indicated that the viewer did not want the EPG to switch to the cable box to record the program, then the EPG would delete the program from the record list."

12. As for **Claim 12**, neither Alexander et al. nor Allport expressly teach said transmission means are arranged to transmit a notification of the program selected from said electronic program guide to a plurality of remote electronic program guide systems. However, Official Notice (MPEP § 2144.03) is taken the both the concepts and advantages of transmitting the notification messages to a plurality of remote electronic program guide systems are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system taught in Alexander et al. and Allport by sending the notification messages to a plurality of remote electronic guide systems if a plurality of individual

Art Unit: 2614

users with a mobile electronic guide system were interested in getting the same notification message.

13. As for **Claim 13**, Alexander et al. teach said electronic program guide system is incorporated in an integrated receiver decoder. See Alexander et al. col. 3 lines 3-7 "Display 10 could be generated by a conventional **television receiver** with interlaced scan lines, by a VCR, by a PC monitor with progressive scan lines, or by another other type of video display device." The television receiver is interpreted to be an integrated receiver decoder.

14. As for **Claim 14**, Alexander et al. teach said electronic program guide system is incorporated in a set-top box. See Alexander et al. col. 3 lines 3-7 "Display 10 could be generated by a conventional **television receiver** with interlaced scan lines, by a VCR, by a PC monitor with progressive scan lines, or by another other type of video display device." It is interpreted that the television receiver functions as a set-top-box.

15. As for **Claim 15**, the modified Alexander et al. in view of Allport teaches said electronic program guide system is incorporated in a mobile handset. See Allport col. 5 lines 50-63 "One of the most powerful aspects of the remote control of the present invention is its ability to interact with and gather data from the internet or other data sources such as a PC, and make use of a wide variety of data thus obtained . . . title-based descriptions such as TV schedules can be downloaded into the memory of the

Art Unit: 2614

remote control, and then listed and browsed on the display of the remote control, while the corresponding information needed to associate the consumer-friendly title-based descriptions (e.g., program name)". The remote control is to be a mobile handset with electronic program guide.

16. As for **Claim 16**, Alexander et al. teach said electronic program guide system is incorporated in a television receiver. See Alexander et al. col. 3 lines 3-7 "Display 10 could be generated by a conventional **television receiver** with interlaced scan lines, by a VCR, by a PC monitor with progressive scan lines, or by another other type of video display device."

17. As for **Claim 17**, the modified Alexander et al. in view of Allport teaches said electronic program guide system is incorporated in a mobile display appliance. See Allport col. 5 lines 50-63 "One of the most powerful aspects of the remote control of the present invention is its ability to interact with and gather data from the internet or other data sources such as a PC, and make use of a wide variety of data thus obtained . . . title-based descriptions such as TV schedules can be downloaded into the memory of the remote control, and then listed and browsed on the display of the remote control, while the corresponding information needed to associate the consumer-friendly title-based descriptions (e.g., program name)". The remote control is to be a mobile display appliance with electronic program guide.

18. As for **Claim 18**, the limitations of Claim 18 fall within the limitation of Claim 1.

Claim 18 is analyzed and rejected as shown above in reference to Claim 1. Claim 18 further requires:

browsing the electronic program guide for identification of a program of interest; Alexander et al. teaches a user navigating through an electronic program guide to identify a program of interest. See Alexander et al. col. 4 lines 49-56 "From window 12, 14, or 16 the viewer moves to grid guide 22 by pressing arrow key 32. (From grid guide 22 the viewer moves to window 12, 14, or 16 by pressing arrow key 34.) In grid guide 22 the viewer moves cursor 36 to highlight one of the nine tiles in which channel and title are displayed by pressing arrow keys 28 and 30. The viewer can view program listings scheduled at future times by pressing keys 32 or 34 to move horizontally about the Grid."

19. As for **Claim 19**, the limitations of Claim 19 fall within the limitation of Claim 3.

Claim 19 is analyzed and rejected with respect to Claim 3.

20. As for **Claim 20**, the limitations of Claim 20 fall within the limitation of Claim 4.

Claim 20 is analyzed and rejected with respect to Claim 4.

21. As for **Claim 21**, the limitations of Claim 21 fall within the limitation of Claim 5.

Claim 21 is analyzed and rejected with respect to Claim 5.

22. As for **Claim 22**, the limitations of Claim 22 fall within the limitation of Claim 8.

Claim 22 is analyzed and rejected with respect to Claim 8.

23. As for **Claim 23**, the limitations of Claim 23 fall within the limitation of Claim 10.

Claim 23 is analyzed and rejected with respect to Claim 10.

24. As for **Claim 24**, the limitations of Claim 24 fall within the limitation of Claim 10.

Claim 24 is analyzed and rejected with respect to Claim 10.

25. As for **Claim 25**, the limitations of Claim 25 fall within the limitation of Claim 11.

Claim 25 is analyzed and rejected with respect to Claim 11.

26. As for **Claim 26**, the limitations of Claim 26 fall within the limitation of Claim 12.

Claim 26 is analyzed and rejected with respect to Claim 12.

27. As for **Claim 27**, the limitations of Claim 27 fall within the limitation of Claim 1.

Claim 27 is analyzed and rejected accordingly with reference to Claim 1. Claim 27

further requires:

a computer program product stored on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the limitations of the claim. It is interpreted that the Electronic program guide system as

Art Unit: 2614

taught by Alexander is implemented in a software wherein a computer program product stored on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the limitations of the claim. Alexander et al. teaches the television electronic program system of the invention is capable to connecting to the Internet and emulate the functions of a computer. See Alexander et al. col. 8 lines 55-60 "The viewer uses the remote control device to select one of the EPG Internet web sites. The viewer's television system is programmed to emulate computer on-line access to the Internet. Once the connection between the viewer's television system and the Internet is made, the user has two-way communication with the on-line Internet service provider of the EPG related information. The user can then navigate through the EPG. Furthermore, in one embodiment, in which keyboard user interface is available, the user can enter chat rooms or other interactive services." Since the television system of Alexander et al. functions as a computer with the capability of accessing the Internet, it is interpreted that the functions of the Electronic program guide to carry out the limitations of the claim is implemented in a software system.

28. As for **Claim 28**, the claim is analyzed and interpreted as shown above with reference to Claim 27. It is interpreted that the software program to carry out the limitation is a computer program product directly loadable into the internal memory of a digital computer comprising software code portions for performing the limitations of the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Darbee et al. (U.S. Patent # 6,130,726) teach a mobile remote control configured to receive electronic program guide information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelly can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/891,380
Art Unit: 2614

Page 16

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NGOC-YEN VU
PRIMARY EXAMINER